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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,084	03/18/2004	Taku Takaki	62758-074	4167

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EXAMINER	
SMITH, SHEILA B	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/803,084	TAKAKI ET AL.	
	Examiner	Art Unit	
	Sheila B. Smith	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11* is/are pending in the application.

4a) Of the above claim(s) *10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al. (U.S. Patent Number 6,785,539).

Regarding claim 1, Hale et al. discloses all of the claimed invention as set forth in the instant application, additionally Hale et al. discloses a system and method of wirelessly triggering portable devices, further Hale et al. discloses a program (which reads on location code) received in and for execution by a mobile terminal device (10), wherein the mobile terminal device has a first communicator (which reads on 50 receiver), and a second communicator (which reads on 51 transmitter) and a button (which reads on 55 user Inputs) and when the button is activated (which reads on column 1 lines 64-67), the program is received by the first communicator (which reads on column 3 lines 16-18). However Hale et al. fails to specifically disclose a wireless communication signal being unable to be transmitted.

The examiner contends however, that such a feature as wireless communication signal being unable to be transmitted is well known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hale et al. with the teaching of with a wireless communication signal being unable

to be transmitted for the purpose of restricting calls as to not to interrupt the program that is running.

Regarding claims 2,3, Hale et al. discloses all of the claimed invention as set forth in the instant application, additionally Hale et al. discloses a system and method of wirelessly triggering portable devices, further Hale et al. discloses a signal processing system for a wireless communication signal that uses a mobile terminal device, a server, and a network base station transmitting the wireless communication signal, wherein the mobile terminal device has a network communicator, a content receiver and communication signal to the network base station for receiving predetermined contents transmitted from the server (which reads on column 2 lines 63-67), and predetermined contents (which reads on column 2 lines 63-67) transmitted from the server by the content receiver (which reads on mobile terminal device), a decision button (55). However Hale et al. fails to specifically disclose a wireless communication signal being unable to be transmitted.

The examiner contends however, that such a feature as wireless communication signal being unable to be transmitted is well known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hale et al. with the teaching of with a wireless communication signal being unable to be transmitted for the purpose of restricting calls as to not to interrupt the program that is running.

Regarding claim 3, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses the wireless communication signal is a program for telephone communication used when the mobile terminal device makes telephone communication with other mobile terminal device (which reads on column 2 lines 55-60).

Regarding claim 4, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal devices is promoted, so that the image of an enterprise administering the system can be improved (which reads on column 3 lines 5-35).

Regarding claim 5, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal device is promoted, so that rigid adherence to manners can be achieved (which reads on column 3 lines 5-35).

Regarding claim 6, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses predetermined contents are transmitted in a place where the use of the mobile terminal device is limited, whereby the prevention of the use of the mobile terminal device is promoted, and the prevention of annoyance to other people and the rigid adherence to or compliance with manners are achieved, so that the image of an enterprise administering the system can be improved (which reads on column 3 lines 5-35).

Regarding claims 7-9, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses displaying the name of a distributor of the program on a display screen of the mobile terminal device (which reads on column 2 lines 50-65).

Regarding claim 11, Hale et al. discloses everything claimed, as applied above (see claims 1) in addition, Hale et al. discloses a network communicator configured to transmit a wireless communication signal to a network based station (which reads on column 2 lines 47-62), a content receiver configured to receive a content transmitted from a server (which reads on column 3 lines 4-35); and a decision button configured to indicate a decision not to transmit a wireless communication signal to the network base station in exchange for receiving a content transmitted from the server (which reads on column 7 lines 3-35), wherein responsive to the decision button being activated, and the content transmitted from the server is received by the content receiver (which reads on column 7 lines 3-35). However Hale et al. fails to specifically disclose transmissions of the wireless communication signal to the network base station by the network communicator are prohibited.

The examiner contends however, that such a feature as transmissions of the wireless communication signal to the network base station by the network communicator are prohibited is well known in the art and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Hale et al. with the teaching of with a transmissions of the wireless communication signal to the network base station by the network communicator are prohibited for the purpose of restricting calls as to not to interrupt the program that is running.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith
April 3, 2006

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER